

# SIDEWALK CAFÉ PERMIT APPLICATION

EXHIBIT "A"

FEE: \$100.00 Annual Permit Fee plus a 25 cents per sq. ft. Annual Rent of Sidewalk Space

**RETURN TO:**

City Clerk's Office, 555 S. 10<sup>th</sup> St., Room 103, Lincoln NE 68508

LMC Chapter 14.50

*Please PRINT using blue or black ink only.*

APPLICANT'S INFORMATION					
NAME:	William D. Livengood				
HOME ADDRESS:	2350 Ridge Road - Lincoln, NE 68512				
ZIP:	68512	PHONE#:	402-423-2493	FAX#:	

BUSINESS INFORMATION					
NAME:	Green Gateau Restaurant				
ADDRESS:	330 South 10th Street - Lincoln, NE				
ZIP:	68508	PHONE#:	402-477-0330	FAX#:	

MANAGER OF CAFÉ					
NAME:	Eric Lemke				
ADDRESS:	710 North 73rd Street - Lincoln, NE				
ZIP:	68505	PHONE#:	402-488-6381	FAX#:	

RECORD OWNER OF PROPERTY					
NAME:	William D. Livengood				
ADDRESS:	2350 Ridge Road - Lincoln, NE				
ZIP:	68512	PHONE#:	402-423-2493	FAX#:	
DOES THE RECORD PROPERTY OWNER AGREE TO SUCH USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
PLEASE ATTACH A NOTARIZED LETTER OF CONSENT BY RECORD PROPERTY OWNER FOR THE USE OF SAID PROPERTY.					

## SIDEWALK CAFÉ AREA

LIST DAYS AND HOURS OF OPERATION: Monday thru Saturday 6:30 a.m. to 10:00 p.m.  
Sunday 6:30 a.m. to 3:00 p.m.

DESCRIBE HOW THE SIDEWALK CAFÉ WILL BE SUPERVISED & MAINTAINED:

The Hostess and Wait Staff will oversee the area the same as inside the Restaurant.

HOW MANY PATRONS WILL BE SERVED IN CAFÉ AREA: 16 to 20

DESCRIBE ANY PERMITTED ADVERTISING AND FURNITURE TO BE USED (*photos may be attached*):

Basic black painted steel chairs and tables, metal signs incorporated into rail design - See Drawings.

DESCRIBE FOOD & DRINK TO BE OFFERED FOR SALE (*sample menu may be attached*):

Same food, deserts and beverages that are available inside the Green Gateau Restaurant.

### MAP

Attach six copies of a plat or drawing indicating, *to scale*, the amount of surface public right-of-way you are seeking permission to use and the location of all furniture, equipment, and any other article occupying public space, if any. (*Failure to attach a proper plat or drawing will render this application INCOMPLETE & it will be returned to you!*)

### FEES

- \$100 Annual Permit Fee must be paid to the City Clerk on the day of Original Permit approval.
- Annual Rent of 25 cents per square foot of sidewalk space used must be paid to the City Clerk on the day of original permit approval.

### INSURANCE

Applicant shall ***at all times*** maintain a policy of liability insurance from a company licensed to do business in the State of Nebraska with a minimum of combined single limit of \$500,000 aggregate for any one occurrence. The insurance **must** name the City of Lincoln as an additional insured & contain a 30 day cancellation notice. **This must be attached to your application prior to submission!** (*Failure to attach the Certificate of Insurance will render this application INCOMPLETE & it will be returned to you!*)

**REMINDER - The following items must be attached *prior* to submission of this application:**

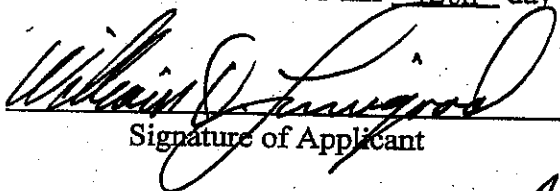
- Notarized letter of consent by record property owner for the use of said property.
- Six copies of a plat or drawing indicating, to scale, the amount of surface public right-of-way you are seeking permission to use and the location of all furniture, equipment, and any other article occupying public space, if any.
- Certificate of Insurance: policy of liability insurance from a company licensed to do business in the State of Nebraska with a minimum of combined single limit of \$500,000 aggregate for any once occurrence naming the City as an additional insured.

**HOLD HARMLESS AGREEMENT**

In consideration of being issued a permit for the use of surface space for a sidewalk café the undersigned applicant agrees to hold harmless the City of Lincoln and the officers and employees of the City for any loss or damage arising out of the use, or the discontinuance of any use. The undersigned agrees and understands that the use of the surface space is temporary, on a day to day basis; that the undersigned does not acquire any right, title, or interest in such space; that the undersigned may be required by the City at any time to vacate all or any part of the surface space that the undersigned has been given permission to use; that upon demand to vacate such space, the undersigned agrees to promptly remove any personal property placed thereon by the undersigned and to return the surface space to the same condition that it was in prior to commencement of such use or to reimburse the City for the cost of removing such property and restoring the surface space to its prior condition and that the undersigned has no recourse against either the City or its officers, employees or agents, either for any loss or damage occasioned by his or her being required to vacate all or any part of the surface space which the undersigned has been granted permission to use.

The undersigned further agrees at all times hereafter to comply with all municipal ordinances, rules and regulations of the City of Lincoln, Nebraska.

Dated this 12th day of December, 2003.

  
Signature of Applicant

William D. Livingston  
Printed Name of Applicant

  
Witness

*Applications are available on the City's web site at "www.ci.lincoln.ne.us".*

## REFERRALS

Please sign or initial "APPROVED" or "DENIED" & date.

### PUBLIC WORKS - SIDEWALK INSPECTOR:

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ DATE: \_\_\_\_\_  
RECOMMENDATIONS OR COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### POLICE DEPT.:

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ DATE: \_\_\_\_\_  
RECOMMENDATIONS OR COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### FIRE PREVENTION BUREAU:

APPROVED: YES DENIED: \_\_\_\_\_ DATE: 1-27-04  
RECOMMENDATIONS OR COMMENTS: FIRE INSPECTOR - Chuck Schweitzer  
\_\_\_\_\_  
\_\_\_\_\_

### HEALTH DEPARTMENT:

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ DATE: \_\_\_\_\_  
RECOMMENDATIONS OR COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### URBAN DEVELOPMENT - JEFF COLE

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ DATE: \_\_\_\_\_  
RECOMMENDATIONS OR COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### PLANNING & URBAN DESIGN COMMITTEE - ED ZIMMER

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ DATE: \_\_\_\_\_  
RECOMMENDATIONS OR COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### CITY COUNCIL ACTION:

DATE ON COUNCIL AGENDA: \_\_\_\_\_  
APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ RESO. #: \_\_\_\_\_

### MAYOR'S OFFICE: (If appealed from Denial - refer to Mayor's Office)

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ DATE: \_\_\_\_\_  
RECOMMENDATIONS OR COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ACORD™ CERTIFICATE OF LIABILITY INSURANCE**DATE (MM/DD/YY)  
12/15/03

DUCER 866-220-4625

Holmes Murphy/Nebraska  
2637 South 158th Plaza  
Suite 200  
Omaha, NE 68130THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION  
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE  
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR  
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

## INSURERS AFFORDING COVERAGE

JRED The Green Gateau Ltd.  
330 So 10th Street  
Lincoln NE 68508INSURER A: Hartford Fire Insurance Co.  
INSURER B: Twin City Fire Insurance Co.  
INSURER C:  
INSURER D:  
INSURER E:

## VERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING  
ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR  
MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH  
POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO- JECT <input type="checkbox"/> LOC	91SBABK7221	10/12/03	10/12/04	EACH OCCURRENCE \$ 1000000 FIRE DAMAGE (Any one fire) \$ 300000 MED EXP (Any one person) \$ 10000 PERSONAL & ADV INJURY \$ 1000000 GENERAL AGGREGATE \$ 2000000 PRODUCTS - COMP/OP AGG \$ 2000000
<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS	91UECUX9877	10/12/03	10/12/04	COMBINED SINGLE LIMIT (Ea accident) \$ 1000000  BODILY INJURY (Per person) \$  BODILY INJURY (Per accident) \$  PROPERTY DAMAGE (Per accident) \$
<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$  OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
<b>EXCESS LIABILITY</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10000	91SBABK7221	10/12/03	10/12/04	EACH OCCURRENCE \$ 1000000 AGGREGATE \$ 1000000 \$ \$ \$
<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>	91WECKA1917	10/12/03	10/12/04	<input checked="" type="checkbox"/> WC STATU- TORY LIMITS <input type="checkbox"/> OTH- ER E.L. EACH ACCIDENT \$ 500000 E.L. DISEASE - EA EMPLOYEE \$ 500000 E.L. DISEASE - POLICY LIMIT \$ 500000
<b>OTHER</b>				

## DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

RE: Sidewalk Cafe in front of Restaurant  
Certificate Holder is an Additional Insured on the General Liability  
with respect to the operations of the named insured.

## CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER:

## CANCELLATION

City of Lincoln  
555 South 10th  
Lincoln, NE 68508SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION  
DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN  
NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL  
IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR  
REPRESENTATIVES.

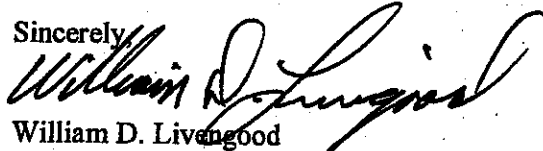
AUTHORIZED REPRESENTATIVE

December 11, 2003

City of Lincoln  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

Please see this as my approval and desire to construct and maintain a sidewalk café in front of the Green Gateau restaurant at 330 south 10<sup>th</sup> Street, Lincoln, Nebraska.

Sincerely,

  
William D. Livengood

Notarized:

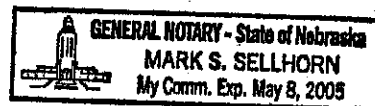
State of Nebraska, County of Lancaster

Subscribed and sworn to before me this DECEMBER 11, 2003

Notary Public:



My Commission expires: MAY 8, 2005



LETTER OF ACCEPTANCE

TO THE CITY COUNCIL:

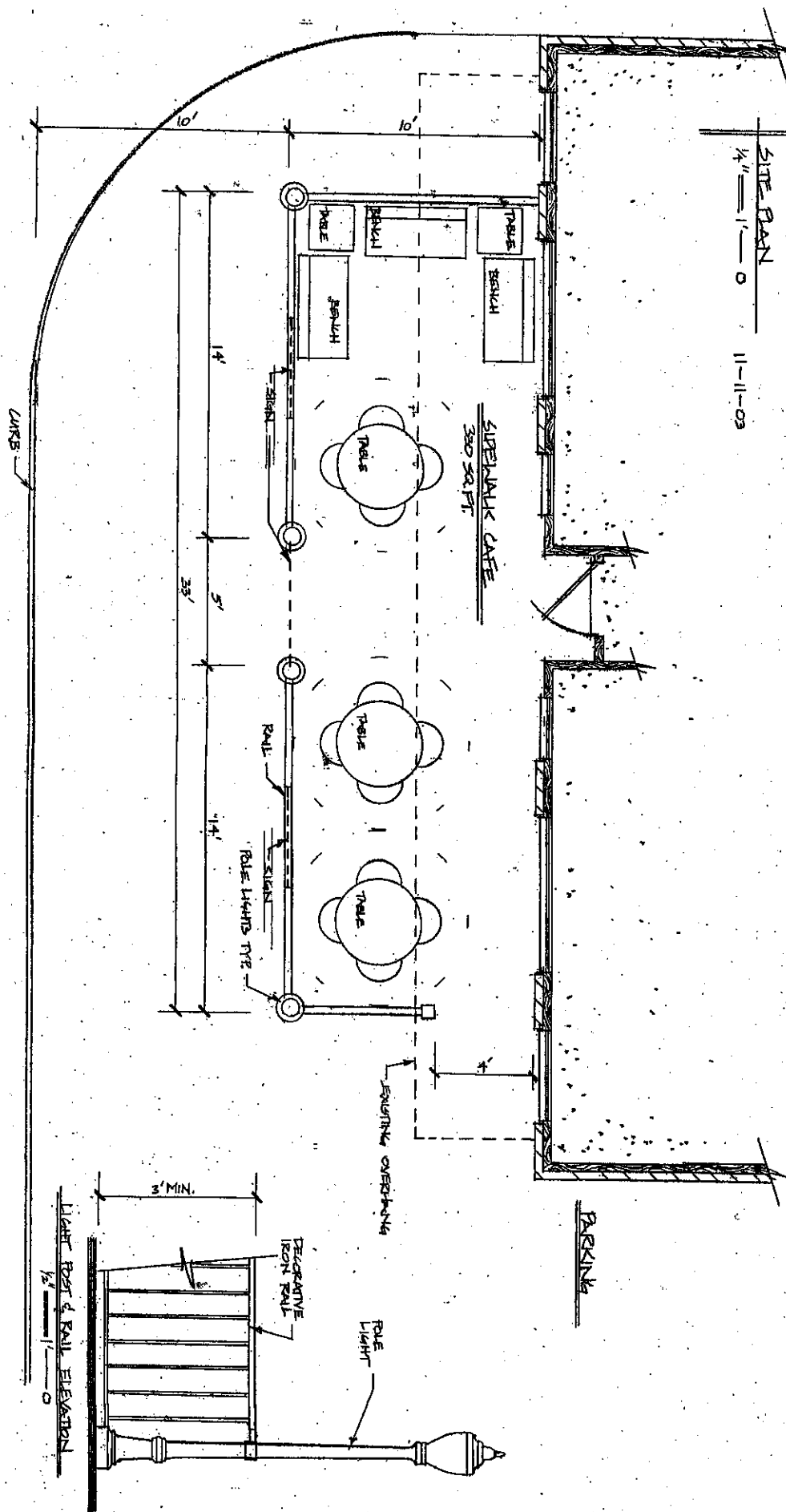
I, \_\_\_\_\_, authorized representative of The Green Gateau, 330 S. 10th Street, Lincoln, Nebraska 68508, the applicant under Resolution No. A-\_\_\_\_\_ adopted by the City Council of the City of Lincoln, Nebraska, on \_\_\_\_\_, 2004, do hereby certify that I have thoroughly read said resolution, understand the contents thereof and do hereby accept without qualification all of the terms, conditions, and requirements therein.

\_\_\_\_\_  
William Livengood

# EXHIBIT "B"

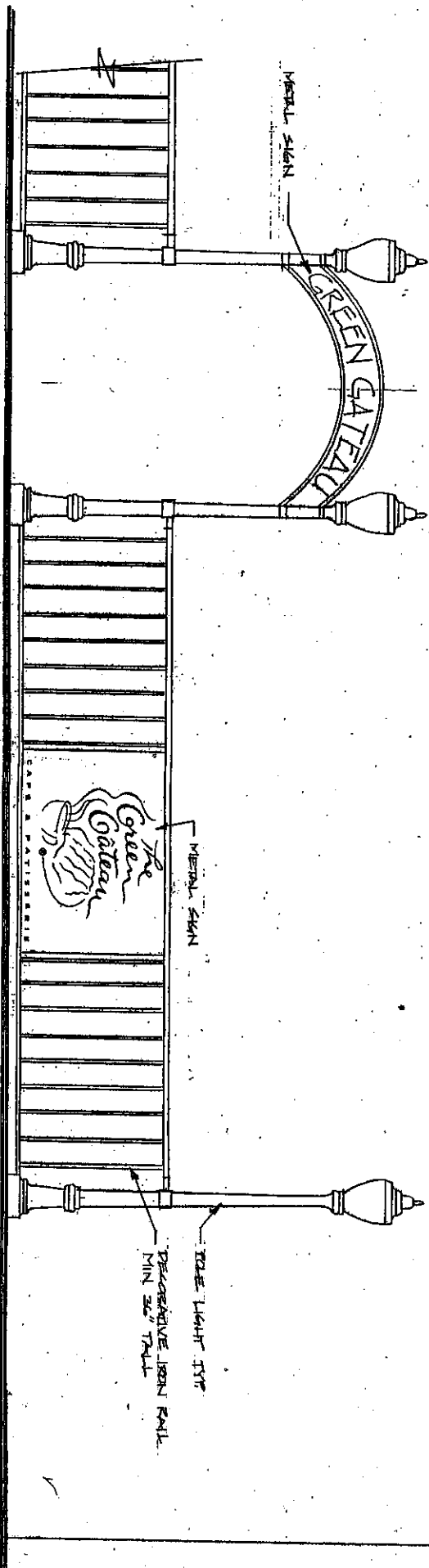
ALLEY

GREEN CATEAU RESTAURANT  
330 SOUTH 10TH LINCOLN NE  
SITE PLAN  
1/4" = 1' - 0  
11-11-03



Light Post & Rail Elevation  
1/4" = 1' - 0



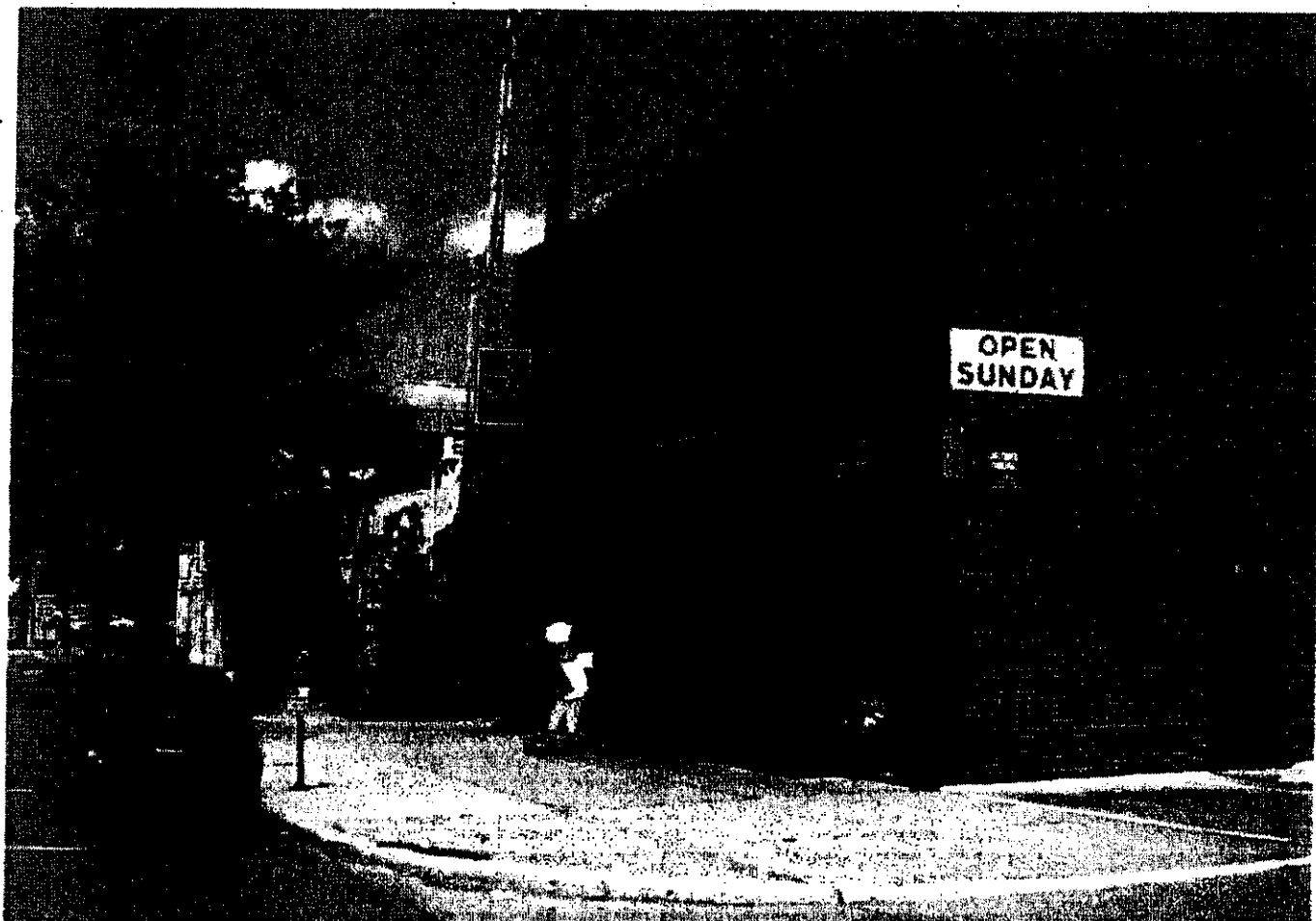


GREEN: GATEAU RESTAURANT

330 SOUTH 10TH LINCOLN, NE

SIDEWALK CAFE RAILING ELEVATION

1/2" = 1' 0 11 03



GREEN GATEAU - 330 S. 10<sup>th</sup>  
EXISTING WEST ELEVATION

## **IMPORTANT**

If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## **DISCLAIMER**

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.